

REMARKS

Remaining Claims

Claims 2-31 are pending in the application. Claims 2-3, 6-7, 10-11, 13, and 18 stand rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-3, 17-19 and 23 of copending Application No. 10/980,589.

Claim 1 has been canceled without prejudice to filing a continuation application containing the same.

Claim 2 has amended to be an independent claim including all of the limitations of the base claim.

Claim 6 have been amended to be dependent to the amended independent claim 2.

Cancellation of claim 1 and the amendments of the pending claims 2 and 6 should in no way be construed as an acquiescence, narrowing, or surrender of any subject matter. The amendments are being made not only to point out with particularity and to claim the present invention, but also to expedite prosecution of the present application. Applicants reserve the option to prosecute the originally filed claims further, or similar ones, in the instant or subsequently filed patent applications.

Claims Rejections under 35 U.S.C §102

Claims 1 and 6 were rejected under 35 U.S.C. §102(b) as being anticipated by Shinohara et al. The rejection over these claims is moot in view of cancellation of claim 1 and the amendments of claim 6.

Double Patenting Rejections

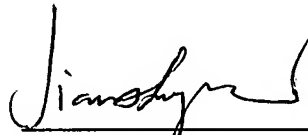
Claims 1-3, 6-7, 10-11, 13, and 18 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-3, 17-19, and 23 of copending Application No. 10/980,589. This rejection has been overcome by the terminal disclaimer submitted herewith.

CONCLUSION

In view of the foregoing and in conclusion, Applicant submits that the rejections set-forth in the Office Action have been overcome, and that all pending claims are now in conditions for allowance.

Should the Examiner believe that a discussion with Applicants' representative would further the prosecution of this application, the Examiner is respectfully invited to contact the undersigned. Please address all correspondence to Robert Gorman, CIBA Vision, Patent Department, 11460 Johns Creek Parkway, Duluth, GA 30097. The Commissioner is hereby authorized to charge any other fees which may be required under 37 C.F.R. §§1.16 and 1.17, or credit any overpayment, to Deposit Account No. 50-2965.

Respectfully submitted,


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